

AN
ESSAY
FOR THE
Better Regulating
THE
Engl. Army.
MILITIA.

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ESSAYFor the better Regulating the *MILITIA*.

I Take it for a thing granted by uninterested Persons, that a well-regulated *Militia*, to us Islanders, would be far more useful as well as less chargeable than a Standing Army; that they are capable of performing as great Services, our last intestine Wars and the late performances in *Ireland* are undeniable Arguments. But it's confessed to be as true, that their want of Discipline and Experience makes them at present the jest of the *Soldiery* in *England*: The latter is only to be gained in an actual War; and the Heroes on *Hounslow Heath* had as little as these. That the former defect is not incurable, and that even upon the bottom the *Militia* now stand, with some small Alterations and Additions, only to enforce the Execution of the Laws already made, is what I design to propose. I cannot but observe, that compounding with the Muster-master instead of drawing out (tho' it make shew of easing the Country) is the main occasion of this Uselessness, and does, indeed, draw on a far greater Inconvenience and Charge; viz. the Necessity of maintaining a Standing Force (*but the true Reason would be too true a Jest*) There are two Statutes, the Basis on which the *Militia* are supported, and 'tis an Ignorance in these; or Remissness in putting them in Execution that cause *them* to be ineffectual; I shall leave the Statutes at large to those who have Soul enough to consult

(with their own) the Publick Advantage: and abstract only some Paragraphs, which seem to require some alteration or new life to enforce their Execution.

1. The 1st. part of the Act. 13. and 14. *Car. II. cap. 3.* Impowers the Lords Lieutenants to grant Commissions to Colonels, Majors, Captains, and all other Commission Officers. So that where occasion requires, one or more Colonels may also be Commissionated Brigadeers, Adjutant-Generals, Majors of Brigades, &c. according as the number of the *Militia* within the respective County shall require.

2. It's enacted, That the Lieutenants and Deputies, or Major part of them present, shall charge Persons of 500 *l.* per Annum or 6000 *l.* Personal Estate, with a Horse &c. and Persons of 50 *l.* per Annum &c. with a Footman, &c.

I will not enter the Dispute, whether lessening the Number by laying 1000 *l.* per Annum to a Horse, and 100 to a Footman will answer the end, but in case it were thought fit so to do, I presume the most convenient Method would be, to let the number of Regiments, Troops and Companies continue, as many if not more than at present; and reduce the number of Men in the respective Troops only. All who have been conversant in an Army know, that small Troops or Companies are easier disciplin'd and governed than large ones, and that the number of Officers is greatly assistant to the due management of any Forces: 'tis well known, the *Militia* Companies are many times 200 *duty* Men, whereas in the Standing Army 55 was the full complement of most Companies.

3. It's Enacted, That the Lieutenants and Deputies may imprison Mutineers not doing their duty at Musters and Trainings, and inflict mulcts not exceeding 5 *s.* or imprisonment for 20 days without Bail. I take this to be very insufficient, for suppose from a hired Soldier the 5 *s.* Mulct is not to be raised, there is no other Punishment but Imprisonment: there is no Prison appointed, and therefore the common.

mon Goal must be the place : And what an intolerable troublesome and dilatory Proceeding is this as well as chargeable ? For every little Offence, a Constable must be put to the trouble and charge to convey a Fellow perhaps 20 or 30 miles to the Goal. For to imprison upon the Guard is not practicable, because the Musters and Trainings are by these Laws not to continue so many days ; and besides, if they were, it would be thought no great Punishment. I am not for such arbitrary Punishments to be exercised on Freeholders and others in the *Militia*, as in the Standing Forces : but certainly a shorter Method is necessary. Suppose therefore it were thus worded, that in default of immediate payment of the said sum of 5 s. into the hands of for the use of It shall be lawful to inflict such immediate Corporal Punishment (loss of Life or Members excepted) as to the majority of the Commission Officers then present shall seem suitable to that Offence. It's no doubt, but that in this case, a Person that carries his own Arms would submit to the Mulf ; and for others, Punishment would be most necessary ; Nay, in case of actual Invasion or Insurrection, it might be convenient that Death or such other Punishment as a Court-Martial should think fit were inflicted, according to the method prescribed in the late Acts for punishing Mutineers and Deserters. And the same method might be taken in case of Desertion.

4. It's Enacted, That if any Person, charged to Horse or Foot, neglect to provide as before directed ; the Lieutenants and Deputies or 3 or more of them, may on Persons charged to the Horse inflict a penalty not exceeding 20 l. and 5 l. on a Footman. This Penalty I presume is designed to be paid into the hands of the Treasurer, but it's a great defect here, and in all other cases of Fines in these Acts, that the Treasurer is not under a penalty likewise, therewith immediately to supply the Deficiency ; but I think in this case of providing Horses, Men or Arms, none would be so fit to receive it and provide the same, as some Officer of the
 respective

respective Regiment, for the Treasurer is not obliged to be present at such Musters and Trainings: and yet perhaps it would be convenient the Defects should be immediatly supplied and Penalties levied.

5. It's Enacted, That if any so Armed, detain, or imbezzle, Horse, Arms or Furniture, the Lieutenants, &c. may imprison till Satisfaction, or if any shall not appear and serve through default of the Person interested, may inflict a penalty on a Horseman of 20 s. and on a Footman 10 s. or 5 days Imprisonment. I think in this latter Clause of not appearing and serving, is the same defect, and the same remedy might serve as in Paragraph. 3d. viz. upon non-payment of the said Penalty, when taken, to undergo such punishment as by the Commission-Officers present should be adjudged necessary.

6. It's Enacted, That the Lieutenants shall appoint for receiving and paying Money, Treasurers and Clerks, who shall every 6 months give their Accounts in Writing on Oath to the Lieutenants, their Deputies or to 3 or more of them, which shall be certified to the Lords of the Privy Council and Duplicates to the next Quarter Sessions. I think this certifying to the Lords of the Council an unnecessary trouble, an Account once a Year to the Justices of Peace would be sufficient. But here lyes the Defect, there is no Penalty in the Act for not passing such Account, which makes it seldom done, and when it is done, an opportunity is taken when the fewest Justices are present (and as our Country calls it, in Hugger Muggers) Wherefore if it were enacted as followeth. *which Account shall be certified to the Justices of Peace at their next Easter Sessions, and there Read, Perused and Approved of in open Court, between the hours of 9 and 12 in the Morning, on the 2d. day of their said Sessions, (I mention this so particularly, because on that day is commonly the fullest Bench) and if such Treasurer shall neglect to give in such Account, or if the said Justices shall find just Cause to disallow the same; they shall have power and are hereby required to impose a Fine not exceeding . . . on such Treasurer,*

Treasurer, and to levy the same as other Fines are levied; and if upon passing such Account, any Money shall appear to be in his hands, they shall have power to levy the same by a distress, &c. and imprison till satisfaction. If this were enacted, I presume 'twould cause a better Account of the Trophy-Money and other Moneys than is usually given.

7. It's Enacted, That general Musters shall be but once a Year, and Training of single Companies but 4 times; General Musters 4 days, and Training single Companies 2 days. In this Article I think is the greatest Error, not so much in the Law as the Execution, and which altogether makes the *Militia* uselefs; for without training and exercising it's impossible ever to make them useful. A general Muster perhaps once a year may be sufficient, but then it should not be excused from being once; and it should be Enacted, that all Officers under a Penalty (except Sicknes &c.) be present. And that single Companies be not excused from those four times appointed, or what is equivalent 8 days in a Year. And that the respective Officers under a like penalty should be present. Neither do I think it need be oftner; for if this were managed as it might easily be, it might be so order'd, that in every County there should be certain numbers of the *Militia* in proportion to the Quota of the County, in some place or other of the said County in Actual Discipline. To instance, in a County I know, are 5 Regiments of Foot and as many Troops of Horse. Now dividing the Year into 5 parts, each Regiment of Foot might Roll round, and do their Duty beginning with the youngest; as in the following Scheme, supposed to begin at our *Lady-day*.

From *March 25th.* for 4 days, a general Muster of the Foot Regiment of *A.* at some convenient place within their Division, during which Muster, the Troop of the same Division might also be drawn out and attend them thence for 8 days following, either a Detachment or the youngest Company

Company of the same Regiment, and so in order to the eldest, till all had performed their 8 days Exercise; when the Regiment of *B.* might succeed within their Division in like manner; and because after this manner, some would have the Winter Service other the Summer, it might be so ordered, that the Regiment that drew out 1st. this Year might draw out second or last the next; and as to some odd days that might arise upon the distribution, that Regiment, Troop or Company which performed a days Exercise more or less this Year, might be allowed the same in their proportion the next. As to the Horse, tho' their numbers would scarce suffice to perform the like Service, yet they might have their times appointed, of which one Troop should be with each Regiment of Foot at the general Muster; and the other days at such Intervals as should be thought convenient. Thus after this Method, computing a Regiment at about 1000 Men, there would be in constant Exercise a Party of about 110 Men in that County, and in other Counties more or less, according to the Quota of the same County, and with no greater Burden than the Law at present directs, *viz.* 4 days in general and 8 in particular Trainings. For the better Distribution and Rolling round in this order, an Adjutant would be necessary in each Regiment, who ought to be an experienced Officer, who would require a continual Pay, whilst his Regiment was out, of 4 *s.* *per Diem*, which might easie enough be paid out of the $\frac{1}{4}$ part of the Months Assessment, as I will shew by and by. At these general Musters of each Regiment, it might be convenient they had their Tents and Encamp in Form. Of Tents there is no Provision made in these Laws, but if the *Militia* were called into Actual Service, 'twould be absolutely necessary; and to have a Tent provided between every 6 Men would be but a small Charge; they might continue for 20 Years, unless Actual Service should require a greater use, and might be kept either in some place
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set apart for that purpose, or in the custody of the respective Captains.

8. It's Enacted, That the Arms of a Horseman shall be defensive, a Back, Breast, and Pot, offensive, a Sword and Case of Pistols, the Furniture, a great Saddle with Burrs and Straps, a Bitt and Bridle, Pectoral and Crupper. Note that Carbine and Boots are here omitted, and in room of the defensive Arms were substituted a Cloak, and Coat, and to every 6 a Tent; it would be more modern—*The Musqueteers are to have Muskets 3 foot in Barrel, the Gage 12 Balls to a Pound, a Collar of Bandeleers and a Sword*—Instead of Bandeleers a Cartridge Box would be more convenient, so, if the Musket were obliged to be a Firelock, and if a Baggonet to skrew on the Muzzel were added 'twould be more serviceable—*The Pike men are to have a Pike 16 foot long with a Back, Breast, Head-piece and Sword.* If instead of the Armour, you substitute a broad Buff Shoulder-Belt, a Coat and Sword, 'twill be more like the present method of the Army.

9. Enacted, That Persons charg'd shall not be compelled to serve in Person, but may find others, to be approved of by their Captain, who at next muster shall give in their Names and Surnames to be listed, who after such listing shall not desert the Service without leave, under Hand and Seal of the Lieutenant, 2 Deputies or his Captain, under pain of 20 l. or Imprisonment for 3 months to the County Goal. This 3 months Imprisonment is liable to the same exception as Paragraph the 3d. and therefore in case of Actual Invasion or Insurrection, 'twill be necessary to substitute a punishment, by the judgment of a Court Martial, according to the Rules prescribed: It's likewise a great Omission in these Acts, that there is no penalty inflicted on Serjeants, Trumpeters, and Drummers that desert or refuse to appear.

10. Stat. 15. Car. 2d. cap. 4. Enacted, That once a Year each Soldier shall pay to his Quarter-master, who shall be an

Inhabitant of the County such Summ, not exceeding 12 d. for a Horseman and 6 d. for a Footman as the Lieutenant and Deputies or 3 of them under hand and seal shall direct. This Article is often misapplied, and the Pay turn'd into an Annual Salary, and raised on the Country without mustering; 'twere therefore convenient it were enacted, that no Muster-master shall presume to demand the same under penalty of 5 l. for every offence, to any person that will sue for the same, unless at such general Muster he produce his Warrant; which nevertheless to be void, if he can be proved to be no Inhabitant of the respective County, or not actually residing in the same half a Year at the least: and whereas it is a common but unwarrantable practice, for Muster-masters to break Arms that are defective, there being other methods required and penalties imposed by the Laws; 'twould be more effectual he had a certain Allowance out of the Fines imposed on the Owners of such defective Arms, 'twould make him more careful in viewing the same, and the owners more fearful of sending bad: But these should be determined whether sufficient or no, by the Lieutenant Deputies or majority of Officers present.

11. Lieutenants and their Deputies, or 3 of them, may dispose so much of the Weeks Assessment as they think convenient to the Inferiour Officers. In this Head the Adjutant's Pay might be particularly mentioned, as also some encouragement to Trumpeters, Serjeants, and Drummers: Good Serjeants, Trumpeters and Drummers are very requisite, but very deficient in the *Militia*, they are generally of the meaner sort and ill provided with Cloaths and Furniture; therefore, it might be requisite their number and pay were ascertained, and if a Coat and Hat of 40 s. price, with Swords were once in two Years allowed that out of the Trophy money, 'twould be an encouragement to engage them to the Service and a Charge which they find will be able to support. In this Clause is also a provision for the Clerks who make
out

out the Warrants &c. and therefore the practice of some who demand 6 d. a Man on pretence of Clerks of the Company ought to be encouraged.

12. For providing Ammunition and other Necessaries, the Lieutenants and Deputies and 3 or more of them have power once a Year to levy the 4th. part of 70000 l. *per Menssem* by like ways and means prescribed in a Stat. 12. Car. 2. for raising 70000 l. for the farther Supply of his Majesty, which refers to another Act of the same year, and that Act to an Ordinance of the Lords and Commons, dated the 8th of June 1660, intituled, An Ordinance of Lords and Commons, &c. for an Assessment of 70000 l. *per Menssem* for 3 months, for the Supply of the present occasions of the Kings Majesty, which Ordinance being never printed in the Statute Books, and difficult to be had, gives occasion for great Errors, and some Oppressions in levying this mony, no body having as it's now managed, the Benefit of Appeals, and therefore 'twere expedient that that Ordinance were reprinted, or that the Method for raising it were prescribed, according to the Statute for the late Land Taxes, and that the Treasurers should account for this in the method I have before mentioned, for 'tis too well known, that in many Counties, tho' this Mony hath been Annually Levied, yet neither Trumpets, Drums, Colours, nor Ammunition, have been duly divided (tho' I cannot believe as some will have it, that 'tis rather to Conceal this Misapplication, than any respect to the Country's ease, that the *Militia* are not drawn forth to excuse) how far this Mony will go to this End, which or mentioned I will instance in the County of aforesaid the proportion of Weeks Assessment is

692 17 8

To an Adjutant to each Regiment at 4 s. }
per Diem for 73 days service in each Regi- } 076 00 00
 ment 5 Regiments in all.

For Serjeants and Drummers pay, 16 Serjeants
and 16 Drummers to each Regiment at 2 s. 6 d. } 400 0 0
per Diem, 12 days each, the whole 5 Regiments in all

To 10 Trumpeters at 5 s. *per Diem* 12 days } 030 0 0

To 5 Quarter-masters to the Foot Regiments }
4 s. *per Diem*, for 4 days service each at the Ge- } 004 0 0
neral Musters; (for at the private Trainings the
respective Lieutenants may do that Office)

5 Quarter-masters of the Horse each 12 days }
service at 5 s. } 015 0 0

The certain Annual Charge 525 0 0

Remains 167 17 8

The remainder will very well pay the Treasurer's Clerks,
&c. for their pains: And besides that leave a very good
Fund once in Seven years, which is oftner than there will
be occasion to renew the Drums, Trumpets, Colours, &c.
Now if it be thought fit, as was before proposed, to al-
low the Serjeants, Drums, Trumpets, &c. a Coat once in two
years. An Addition of 300 l. *per Annum* on the County be-
fore inslanced, and in proportion on others will not only do
that but leave a feeling for the other inferior Officers; for
by the way under that denomination are lately understood
all that are subordinate to the Lords Lieutenants.

FINIS.

